

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON D. MCCAIN,

Defendant.

4:17CR3047

ORDER

Defendant has moved to continue: (1) the deadline for objection to the September 18, 2017, Findings and Recommendations Order; and (2) the jury trial currently set for October 16, 2017. As explained in the motion ([Filing No. 37](#)), Defendant needs additional time to investigate this case and prepare for trial. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, ([Filing No. 37](#)), is granted.
- 2) The deadline for filing any objection to the Findings and Recommendations Order ([Filing No. 35](#)) is extended until October 10, 2017.
- 3) The trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on November 20, 2017, or as soon thereafter as the case may be called, for a duration of five (5) trial days. Jury selection will be held at commencement of trial.
- 4) Based upon the showing set forth in Defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest

of Defendant and the public in a speedy trial. Accordingly, the additional time arising as a result of the granting of the motion, the time between today's date and November 20, 2017, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 29th day of September, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge